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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR 09-00775 SBA
)	
Plaintiff,)	STIPULATION AND ORDER
)	CONTINUING STATUS CONFERENCE
v.)	AND EXCLUDING TIME
)	
JUAN OCTAVIANO LOPEZ,)	
aka Juan Octavio Lopez Ortiz,)	
aka Juan Lopez Gomez,)	
aka Manuel Vargas, and)	
GLENDY GOMEZ,)	
aka Glendy Elizabeth Gomez,)	
)	
Defendants.)	

Plaintiff, by and through its attorney of record, and defendants, by and through their counsel of record, hereby stipulate and ask the Court to find as follows:

1. A status conference in this matter is currently scheduled for 9:30 a.m. on Wednesday, March 30, 2011, before the Honorable Donna M. Ryu, United States Magistrate Judge.

STIPULATION AND ORDER RESCHEDULING
HEARING; EXCLUDING TIME

1 2. The parties request that this hearing be continued until 10:00 a.m. on Tuesday,
2 May 10, 2011, before the Honorable Sandra Brown Armstrong, United States District Judge, in
3 order to provide defendants' counsel with additional time to evaluate the evidence in this case
4 and determine whether or not defendant should enter a change of plea or file motions and to
5 prepare for trial in this matter.

6 3. Specifically, additional time is needed for defendant Lopez's defense counsel to
7 review the record regarding defendant Lopez's prior state felony narcotics conviction and to
8 determine whether or not to initiate court proceedings to attack that prior conviction. Counsel
9 for both defendants also continue to need additional time to review the discovery in this matter
10 and to determine whether motions are appropriate. The parties believe that failure to grant the
11 above-requested continuance would deny defendants' counsel and defendant the reasonable time
12 necessary for effective preparation taking into account the exercise of due diligence and that the
13 ends of justice served by continuing the case as requested outweigh the interest of the public and
14 defendant in a trial within the date prescribed by the Speedy Trial Act.

15 4. Thus, the parties respectfully request that the Court find that the time period from
16 March 30, 2011, to May 10, 2011, is excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (B)(iv)
17 because it results from a continuance granted by the Court at the defendants' request and on the
18 basis of the Court's finding that the ends of justice served by taking such action outweigh the
19 best interest of the public and the defendants in a speedy trial and because failure to grant the
20 continuance would unreasonably deny defense counsel the time necessary for effective
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preparation for trial, taking into account due diligence.

IT IS SO STIPULATED.

MELINDA HAAG
United States Attorney

Dated: March 28, 2011

/s/
GARTH HIRE
Assistant United States Attorney
Attorney for United States of America

Dated: March 28, 2011

/s/
LYNN KESLAR
Attorney for Defendant
Juan Octaviano Lopez

Dated: March 28, 2011

/s/
RANDALL KNOX
Attorney for Defendant
Glendy Gomez

ORDER

FOR GOOD CAUSE SHOWN, IT IS SO FOUND AND ORDERED THAT:

1. The currently scheduled March 30, 2011, status conference hearing is vacated. A status conference hearing is now scheduled for 10:00 a.m. on May 10, 2011, before the Honorable Sandra Brown Armstrong, United States District Judge.

2. The time period from March 30, 2011, to May 10, 2011, is deemed excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (B)(iv) because it results from a continuance granted by the Court at the defendants' request and on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendants in a speedy trial and because failure to grant the continuance would unreasonably deny defense counsel the time necessary for effective preparation for trial, taking into account due diligence.

DATED: 3/29/2011


HONORABLE DONNA M. RYU
UNITED STATES MAGISTRATE JUDGE

STIPULATION AND ORDER RESCHEDULING
HEARING; EXCLUDING TIME